IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 24018 of 2003

Between:

Mohd. Rafathullah S/o. Mohd. Nawaz, 53 years, occ:private service, H.No.10-3-761/28/A/1, Vijaynagar Colony, Hyderabad.

..... PETITIONER

AND

1 The Superintending Engineer, Central Power Distribution Company of A.P. Limited, Mint Compound, Hyderabad.

2 The Assistant Divisional Engineer, Central Power Distribution Company of A.P. Limited, A.C.Guards, Hyderabad.

3 The Assistant Engineer, Operation, Central Power Distribution Company of A.P.Limited, Vijayanagar Colony, Hyderabad.

4 Mr. Mohd. Ghouse, R/o. 10-3-761/28, Vijayanagar Colony, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in disconnecting the power supply in service connection No.271875 in Premises No.10-3-761/28/A/1, at Vijayanagar Colony, Hyderabad; as illegal, arbitrary, un-constitutional and in gross violation of principles of natural justice and contrary to the Electricity supply Act, 1948 and consequently direct the respondents to restore the power supply in service connection No. 271875 in premises No.10-3-761/28/A/1, at Vijayanagar Colony, Hyderabad, forthwith and award damages.

Counsel for the Petitioner:MR.C.V.BHASKAR REDDY

Counsel for the Respondent Nos.1to3.: SMT.M.VINOBHA DEVI

Counsel for the Respondent No.4: None:

The Court made the following order :

Heard both sides and at the request of both the counsel, the main writ petition itself is taken up for final disposal.

The petitioner herein, who claims to be the owner and occupant of the premises No.10-3-

761/28/A/1, situated at Vijayanagar colony, Hyderabad, filed this writ petition *inter-alia* seeking for Writ of Mandamus declaring the action of the respondents in disconnecting the power supply to the service connection No.271875 as illegal and arbitrary.

The case of the petitioner is that the respondents 1 and 2 without issuing any notice or intimation disconnected the power supply to his house, at the instance of the respondent No.4 and on a complaint filed by him. Basing on that complaint, the respondents 1 to 3 herein have taken recourse to disconnect the said power supply, which is wholly illegal.

Admittedly, civil suits are pending between the writ petitioner and the respondent No.4 herein in O.S.No.3172 of 1999 on the file of the II Junior Civil Judge, City Civil Court, Hyderabad, O.S.No.682 of 2003 on the file of the IV Special Additional Civil Judge, City Civil Court, Hyderabad and O.S.No.4297 of 2001 on the file of the VII Junior Civil Judge, City Civil Court, Hyderabad. Having regard to such pendency of the civil suits, it is not open for the respondents 1 to 3 herein to take any action in regard to the power supply to the petitioner's premises as long as the civil disputes are not decided.

Accordingly, the writ petition is disposed of directing the respondents 1 to 3 not to take any action till the matters are finally decided by the Civil Courts in regard to the said disputes.

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20th July, 2004

sj/js

Copy to:

1 The Superintending Engineer, Central Power Distribution Company of A.P. Limited, Mint Compound, Hyderabad.

2 The Assistant Divisional Engineer, Central Power Distribution Company of A.P. Limited, A.C.Guards, Hyderabad.

3 The Assistant Engineer, Operation, Central Power Distribution Company of A.P.Limited, Vijayanagar Colony, Hyderabad.

4 Two C.D. copies.